



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

October 16, 2019

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
Anthony Gorski  
Joseph Keefe  
Stanley Jay Keysa III  
Lawrence Korzeniewski  
Kristin McCracken

Town Board Members:

Johanna Coleman, Supervisor  
Adam Dickman  
Dawn Gaczewski  
Ronald Ruffino, Sr.  
Matthew Walter

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Kevin E. Loftus

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held October 16, 2019. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly  
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 16<sup>th</sup> day of October 2019 at 7:00 P.M. and there were present:

PRESENT:                Neil Connelly, Chairman  
                              Rebecca Anderson, Member  
                              Anthony Gorski, Member  
                              Joseph Keefe, Member  
                              Stanley Jay Keysa III, Member  
                              Kristin McCracken, Member

EXCUSED:                Lawrence Korzeniewski, Member  
                              Ed Schiller, Engineering Consultant

ALSO PRESENT:        None

Town Board Members: Johanna Coleman, Town Supervisor

Other Elected Officials: None

Town Staff:            William Schutt-Wm. Schutt & Assoc.  
                              Kevin Loftus, Town Attorney  
                              Matt Fischione, Code Enforcement Officer  
                              Cynthia Maciejewski, Recording Secretary

Meeting called to order by Chair Connelly at 7:00 P.M.

Pledge of Allegiance led by Chair Connelly.

Minutes-A motion was made by Joseph Keefe to approve the minutes from the October 2, 2019 Planning Board meeting. Motion seconded by Anthony Gorski and unanimously carried.

**Town of Lancaster Planning Board  
Communications-October 16, 2019**

- 10.16.01 Memo dated 10/02/19 from Matt Fischione, Code Enforcement Officer, with comments regarding 525 Pavement Road, Topsoil Stockpile Cover.
- 10.16.02 SEQR response dated 10/02/19 from ECWA regarding DiMino 2-Lot Split Subdivision.
- 10.16.03 SEQR response dated 8/29/19 from Erie County Division of Planning with comments regarding Parking Lot Amendment at 473 Aurora Street.
- 10.16.04 Letter dated 10/10/19 from Ed Schiller, Town Engineer, with comments regarding Site Plan for Thomann Asphalt, 70 Gunnville Road.
- 10.16.05 Copy of resolution adopted by Town Board on 10/07/19 approving site plan for dog training facility, 15 Lancaster Parkway.
- 10.16.06 Copy of resolution adopted by Town Board on 10/07/19 granting renewal of Special Use Permit, 208 Ransom Road (dog grooming) with 7 conditions.

Training for Planning Board Members is available in Batavia November 15, 2019.

The WNY Land Conservancy will come to speak at the December 4, 2019 Planning Board meeting.

**PRELIMINARY PLAT REVIEW-PROJECT #9056, DIMINO 2 LOT SPLIT LOCATED SOUTH OF 271 PAVEMENT ROAD (S.B.L. #105.00-4-66.11) SPLIT EXISTING RESIDENTIAL LOT INTO 2 PARCELS APPROXIMATELY 17.60 ACRES EACH.**

Shaun DiMino presented the approximately 40 acre parcel which would be split into two parcels of 17.60 acres each. The wetland inventory is very broad and a wetland delineation will be required so that the wetlands are avoided during the development stage of the property. There are no plans to develop near the wetlands, however, the wetlands do grow and should be flagged. There is not an assigned address for this parcel currently but is known as O Pavement Road. There are no engineering concerns at this time. Sidewalk waiver will be applied for and utilities addressed during the development stage. The applicant plans on building a home for himself on one of the two lots.

## **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Neil Connelly to schedule a public hearing on 11/6/19 at 7:05p.m. Motion seconded by Kristin McCracken.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Excused

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

**Motion carried.**

Based on the information presented to the Planning Board, a motion was made by Kristin McCracken to table the project until the 11/6/19 Planning Board meeting for SEQR review and possible approval. Motion seconded by Stanly Keysa.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Excused

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

**Motion carried.**

**AMENDED SITE PLAN REVIEW-PROJECT #3014, THOMANN ASPHALT PAVING CORP. LOCATED AT 70 GUNNVILLE ROAD. THE SITE PLAN MODIFICATION AMENDS A SITE PLAN APPROVED IN 2014 TO REFLECT EXISTING SITE CONDITIONS. THE "COVERALL BUILDING" SHOWN ON THE EXISTING SURVEY SUBMITTED WITH THE APPLICATION IS IN A DIFFERENT LOCATION THAN WAS SHOWN ON THE PREVIOUSLY APPROVED SITE PLAN. NO NEW CONSTRUCTION OR DEVELOPMENT IS PROPOSED AS PART OF THIS APPLICATION.**

Gregory Scholand, Land Use Attorney and Michael Turski, controller for Thomann Asphalt. This amendment is to correct the location of the structure which was not built as per the approved site plan. Engineering-The plan submitted previously showed a pavement limit line but the new plan submitted showed that area paved. Therefore additional information needs to be supplied. The millings close to the west property line created an impervious surface and was not accounted for in the original site plan. The vegetation was disturbed and is now a driveway. Engineering would like to know where that area is shedding water. Michael Turski stated that the site sheet drains to the north to a swale but no swale is shown on the plan submitted. More details of grading and drainage are needed. The major concern is the run off and the negative effect on the Town who is responsible for the adverse effect and if it becoming an EPA issue. SWPPP needs to be satisfied through the use of an engineering firm. At this point Thomann Asphalt has not consulted with an engineer for the remedy to the storm water, SWPPP and possible EPA issues.

Berm-The berm extends into land owned by Erie County. Agreement with the county for the berm to remain is a possibility but was not approved in the original site plan. The new survey exposed the placement of the berm. County acknowledgment of the berm placement is necessary.

Thomann Asphalt wants to move into compliance but this project is creeping into other areas. These other areas cannot be ignored and will be addressed by the Planning Board.

Matt Fischione, Code Enforcement Officer discussed the five years of complaints from neighbors

regarding the current operation and attempted to control the nonconforming use through a Special Use Permit. The height of the berm is intense and located in the right of way. A sprinkler system was installed in an attempt to control the dust along with ceasing production when conditions are bad. The building style was changed and built prior to a building permit being issued.

It was suggested that Thomann Asphalt meet with Ed Schiller and return when ready with additional engineering information and after communication with Erie County.

#### **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Stanley Keysa to table the project until the applicant requests a return date. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

**Motion carried.**

#### **SITE PLAN REVIEW-PROJECT #6169, TOPSOIL STOCKPILE COVER LOCATED AT 525 PAVEMENT ROAD. CONSTRUCT A 62'X40' STEEL AND FABRIC COVER WITH A 2'X6' CONCRETE BLOCK FOUNDATION. COVER WILL BE PLACED WHERE THE CURRENT STOCKPILE IS LOCATED.**

William Schutt presented the plan to construct a cover over a foundation where the current stockpile is located. This will be used by the Town Highway Department. Bins are currently used and are open to the elements.

#### **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Kristin McCracken to recommend approval of the Site Plan to the Town Board with the following conditions:

1. Update survey with structure located on it
2. Identify the building with a number

Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

**Motion carried.**

#### **ZONING UPDATE DISCUSSIONS**

The format used for the Town Code has changed. One example is that a table is used to find the appropriate setbacks according to zoning. Planned unit developments are addressed with an overlay district and buildable areas are identified. Access Management is expanded to include Genesee Street, Walden Avenue and Broadway.

The draft is not ready for public viewing. A goal of the Master Plan was to lighten traffic and we are out of sewered areas for development. Parks, bike paths and recreational areas will be addressed. Kevin Loftus, Town Attorney attended a meeting held by the Erie County Department of Environment and Planning with other municipalities. Lancaster is ahead in their zoning code and in holding the

implementation meetings. The county does understand the cost associated with this and is open and willing to answer questions and provide support. The Town is at a point where now input from the county would be beneficial to plot a plan for completion.

At 8:02 p.m. a motion made by Joseph Keefe and seconded by Stanley Keysa to adjourn the meeting. Motion carried.



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

### MEMO

TO: Honorable Town Board  
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: October 16, 2019

RE: Topsoil Stockpile Cover

PROJECT#: 6169

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LOCATION: 525 Pavement Road

TYPE: Site Plan Review

RECOMMENDATION: Approve

Roll call vote:

Chair Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

CONDITIONS:

1. Update survey with structure located on it
2. Identify the building with a number

CONCERNS: N/A